

LOWER CACHE CREEK, YOLO COUNTY,
WOODLAND AREA, GENERAL
INVESTIGATION FEASIBILITY STUDY
LETTER OF INTENT

Documents for Signature

CVFPB Meeting August 26, 2010

Agenda Item 9T
RESOLUTION # 10-36

These documents have been reviewed by
DWR legal staff in August 2010.

Michael C. Wright, PE
Project Manager
Feasibilities Studies Section

**Meeting of the Central Valley Flood Protection Board
August 26, 2010**

Staff Report

**Letter of Intent
for the
Lower Cache Creek, Yolo County, Woodland Area, General Investigation
Feasibility Study**

The Lower Cache Creek, Yolo County, Woodland Area, General Investigation Feasibility Study (LCC Feasibility Study) was first brought before the Central Valley Flood Protection Board (Board) (formerly the Reclamation Board) in December 1999 where the Board approved Resolution 99-22 for the Local Feasibility Cost Sharing Agreement (LFCSA) and the Feasibility Cost Sharing Agreement (FCSA).

The LCC Feasibility Study continued until 2003 when the USACE and the non-federal sponsors released the “Draft Feasibility Report for Potential Flood Damage Reduction Project” for public review and comment. The National Economic Development (NED) plan proposed by that report was rejected by the public and the LCC Feasibility Study was abandoned. In early 2010 the agreements expired, 10 years from the execution date as described in the 2000 FCSA.

In 2009 due to outreach efforts undertaken locally to identify plans that might receive public support, both the USACE and the City of Woodland have expressed intention to seek funding to reformulate alternatives for a new LCC Feasibility Study.

The USACE has requested a Letter Of Intent (LOI) from the State of California, represented by the Central Valley Flood Protection Board to participate as a non-federal sponsor with the U.S. Army Corps of Engineers and the City of Woodland in the Lower Cache Creek, Yolo County, Woodland Area, General Investigation Feasibility. The LOI is required prior to the USACE approval of the final FCSA for the LCC Feasibility Study.

1.0 - BOARD ACTION

Consider approval of Resolution No. 10-36 (Attachment A) to:

- 1.1 Approve a Letter of Intent to participate as a non-federal sponsor with the U.S. Army Corps of Engineers and the City of Woodland in the Lower Cache Creek, Yolo County, Woodland Area, General Investigation Feasibility Study.
- 1.2 Delegate to the Executive Officer authority to sign the Letter of Intent.

2.0 - APPLICANT

Federal: U.S. Army Corps of Engineers, Sacramento District (USACE)
State: The Central Valley Flood Protection Board (CVFPB)
Local: The City of Woodland (Woodland)

3.0 - LOCATION:

The Feasibility Study area is located approximately 15 miles northwest of Sacramento and includes Clear Lake, which is the origin of the Cache Creek. Cache Creek flows generally southeast through the Capay Valley into the Cache Creek Settling Basin and then into the Yolo Bypass.

4.0 – DESCRIPTION:

The study will focus on flood damage reduction, ecosystem restoration, and recreation opportunities. Nonstructural flood risk reduction measures as well as structural flood risk reduction measures will be considered in the study. Nonstructural measures to be considered will include raising and flood proofing structures; relocating structures and implementing flood warning systems. Structural measures to be considered will include modifying, relocating, or building new levees and improving or adding drainage channels.

The primary communities in the study area include Woodland, Yolo, Madison, and Esparto. Per findings from the 1994 Reconnaissance Study by the USACE, the focal area for the Feasibility Study is the Lower Cache Creek.

5.0 – MAINTENANCE ENTITIES:

The Department of Water Resources (DWR)
Yolo County Flood Control and Water Conservation District (YCFCWCD)

DWR maintains the project levees
YCFCWCD maintains the right bank levee

6.0 - ELECTED REPRESENTATIVES:

Federal:

- House of Representatives – Walley Herger (District 2)
- Senate – Barbara Boxer and Dianne Feinstein

State:

- Senate—Lois Wolk (District 5)
- Assembly—Mariko Yamada (District 8)

7.0 AUTHORIZATIONS:

Federal: Flood Control Act of 1962 and Water Resources Development Act (WRDA) of 1986.
State: California Water Code Sections 8615 and 12616

8.0 STATUS:

The USACE completed a reconnaissance study in June 1994 titled "Westside Tributaries to Yolo Bypass." The Project Study Plan was signed by the General Manager of the Board and the City of Woodland.

The first Feasibility Study started on January 24, 2000 after the cost-sharing agreements were executed. A draft was submitted for public review in March 2003. The public review process of the draft document resulted in voluminous public comments. Most of these comments were in opposition to the tentatively selected Lower Cache Creek Flood Barrier (LCCFB). Responses to all comments would have required an increase in Study costs, and the City of Woodland chose not to fund the response to these comments. The study was abandoned in 2003.

In March of 2008 the project partners met and agreed to re-scope the project to take into account public opposition to previous selected alternatives and to consider new alternatives.

In 2009 both the USACE and the local sponsor expressed their intention to seek funding to reformulate alternatives for the feasibility study.

9.0 ESTIMATED COSTS:

The original Feasibility Study cost was estimated at \$2,500,000. The USACE updated the cost estimate to \$3,200,000 in 2002 for a number of reasons including carrying forward multiple alternatives to detailed feasibility level. The current Study cost as shown in the April 2010 Project Management Plan is \$5,200,500.

10.0 – COST ALLOCATION:

The total Study cost is \$5,200,500, which will be cost-shared 50/50 between the federal sponsor and the non-federal sponsors. The USACE will provide \$2,600,250, 50 percent of the Study cost. The remaining 50 percent of the Study cost (\$2,600,250) will be cost shared 50/50 between the two non-federal sponsors (the Board and the City of Woodland) at \$1,300,125 each.

11.0 – AGREEMENTS:

The original FCSA and LFCSA have expired. New agreements will be presented to the Board at the September 2010 Board meeting.

12.0 - ENVIRONMENTAL REVIEW:

The Draft Feasibility Study EIS/EIR was submitted for public review in March 2003. New EIS/EIR documents will be prepared for the new Feasibility Study building on the information from the 2003 environmental documents.

13.0 - BOARD ACTIONS:

Date:	Action:
September 10, 1999	Approved letter of intent to be non-federal sponsor of the Study.
December 17, 1999	Approved Resolution No. 99-22 approving the FCSA and the LFCSA.
May 17, 2002	Board approves Resolution No. 02-08, to amend the Feasibility Cost Sharing Agreement and the Local Feasibility Cost Sharing Agreement per the USACE December 2001 SACCR.

14.0 - ISSUES / CONCERNS:

The 2003 Draft Feasibility Report proposed an east-west flood wall north of the City of Woodland as the National Economic Development (NED) Plan. This plan was rejected by the public and the Study was abandoned. New alternatives need to be developed along with early public outreach efforts in order to keep the project from collapsing again.

The Cache Creek Settling Basin (CCSB) is a major part of the Cache Creek system, in that water flows through the basin prior to discharging into the Yolo Bypass. The Feasibility Study will determine if the CCSB contributes to flooding. If it is determined that the CCSB contributes to flooding then alternatives will be included in the Study addressing the CCSB.

The Cache Creek watershed contains high concentrations of mercury which is transported to the CCSB and beyond. Any alternatives that propose modifications to the CCSB will have to consider the existing and future mercury concentrations in the CCSB and the costs associated with the mitigation of those concentrations.

15.0 – STAFF RECOMMENDATION:

Staff recommends that the Board:

- Approve a Letter of Intent to participate as a non-federal sponsor with the U.S. Army Corps of Engineers and the City of Woodland in the Lower Cache Creek, Yolo County, Woodland Area, General Investigation Feasibility Study.
- Delegate to the Executive Officer authority to sign the Letter of Intent.

16.0 – ATTACHMENTS:

- A. Resolution 10-36
- B1. Location Map – Study Area
- B2. Location Map – Focus Area
- C. Letter of Intent – CVFPB
- D. Letter of Intent – City of Woodland

STATE OF CALIFORNIA
CALIFORNIA NATURAL RESOURCES AGENCY
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NUMBER: 10-36

LETTER OF INTENT TO PARTICIPATE IN
THE LOWER CACHE CREEK, YOLO COUNTY, WOODLAND AREA
GENERAL INVESTIGATION FEASIBILITY STUDY

WHEREAS, the State of California, the Reclamation Board, now known as the Central Valley Flood Protection Board (Board), and the U.S. Army Corps of Engineers (USACE) entered into a feasibility cost sharing agreement (FCSA) on January 20, 2000; and

WHEREAS, the City of Woodland and the State of California entered into a Local Feasibility Cost-Sharing Agreement on January 18, 2000 for the Lower Cache Creek, Yolo County, Woodland Area General Investigation Feasibility Study; and

WHEREAS, in 2003 the Feasibility Study was abandoned due to increased study costs created by public comments to the Draft Feasibility Report and lack of support for the National Economic Development Plan; and

WHEREAS, the January 20, 2000 FCSA and the January 18, 2000 LFCSA have expired and new cost sharing agreements are required to begin a Feasibility Study; and

WHEREAS, the Lower Cache Creek, Yolo County, Woodland Area General Investigation Feasibility Study was authorized by Section 209 of the Flood Control Act of 1962 (Public Law 87-874) and in the Energy and Water Development Appropriations Act of 1993 (Public Law 102-337); and

WHEREAS Congress has authorized the USACE to conduct a study of flood control pursuant to Section 209 of the Federal Flood Control Act of 1962 (Public Law 87-874); and

WHEREAS, Board participation is authorized by Water Code section 12580; and

WHEREAS, the Board, the USACE and the City of Woodland wish to enter into cost sharing agreements for the purposes of conducting a feasibility study for the Lower Cache Creek, Yolo County, Woodland Area to investigate flood damage reduction, ecosystem restoration, and recreation opportunities; and

WHEREAS, per the April 2010 Project Management Plan provided by the USACE the Total Feasibility Cost Estimate is \$5,200,500 which will be cost shared at a 50/50 cost split between the USACE and non-federal sponsor at \$2,600,250 each, the non-federal cost share will be cost shared at a 50/50 cost split between the Board and

the City of Woodland at \$1,300,125 each; and

WHEREAS, section 225 of the Water Resources Development Act of 2000, Public Law 106-541, amends section 105(a)(1)(E) of the Water Resources Development Act of 1986, Public Law 99-662 (33 U.S.C. section 2215(a)(1)(e)) to allow the local sponsors to provide their entire share of the study costs through the provisions of in-kind services.

NOW, THEREFORE, LET IT BE RESOLVED that the Central Valley Flood Protection Board:

1. Approves a Letter of Intent in substantially the form attached hereto to participate as a non-federal sponsor with the U.S. Army Corps of Engineers and the City of Woodland in the Lower Cache Creek, Yolo County, Woodland Area, General Investigation Feasibility Study; and
2. Delegates to the Executive Officer the authority to sign the Letter of Intent in substantially the form attached hereto.

BY: _____
Benjamin F. Carter
President

Date: _____

BY: _____
Board Secretary

Date: _____

Approved as to Legal Form and Sufficiency

Jeremy Goldberg
Staff Counsel

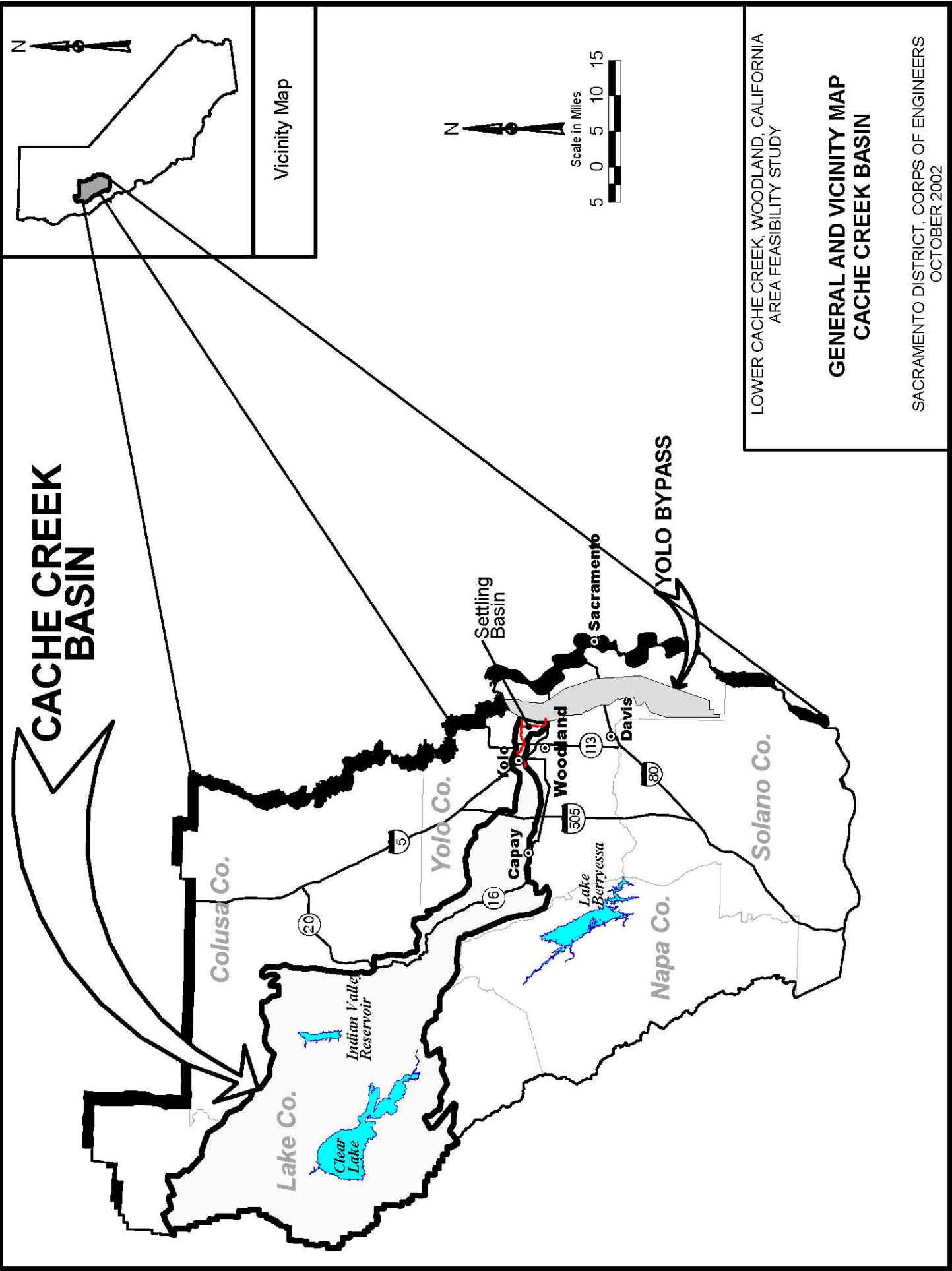
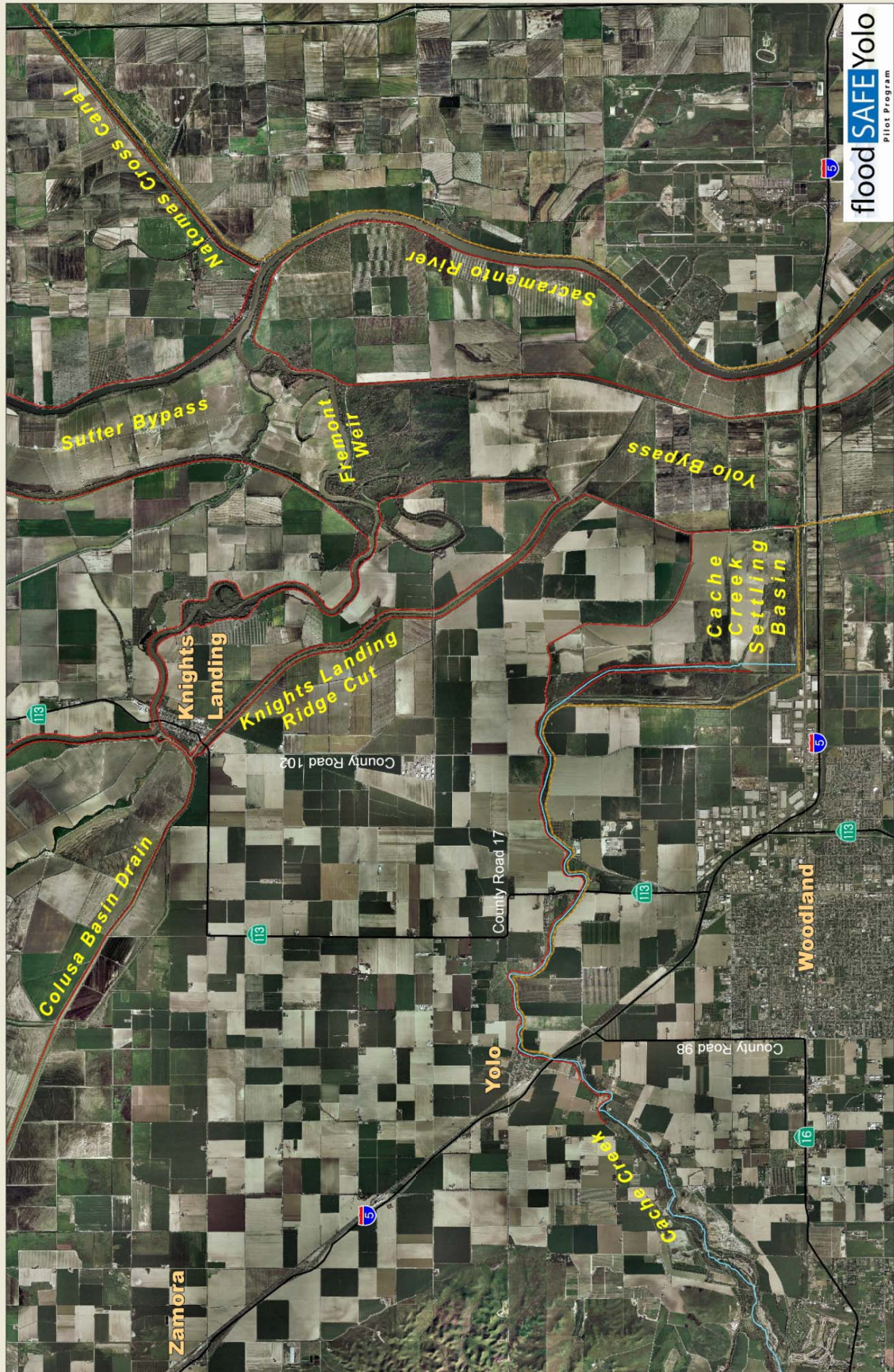


Figure ES-1



CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-0685 FAX: (916) 574-0682



August 26, 2010

Colonel William J. Leady
District Engineer
Sacramento District
U.S. Army Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Subject: Letter of Intent for the Lower Cache Creek, Yolo County, Woodland Area, General Investigation Feasibility Study

Dear Colonel Leady:

With this Letter of Intent, the State of California, Central Valley Flood Protection Board (Board) is confirming its interest to participate with the U.S. Army Corps of Engineers (USACE) as a non-federal sponsor with the City of Woodland on the Lower Cache Creek, Yolo County, Woodland Area, General Investigation Feasibility Study (LCCFS) as presented in the LCCFS Project Management Plan dated April 2010.

The City of Woodland has already expressed its intent to participate in the feasibility study and provide the appropriate non-federal cost share as outlined in the attached letter dated August 6, 2010.

The Board and the City of Woodland intend to participate with the USACE on the LCCFS to recommend a plan for flood risk reduction, ecosystem restoration, and recreation opportunities for the City of Woodland, Yolo, Madison, Esparto and surrounding areas. An environmental Impact Study/Environmental Impact Report will be prepared as part of this study.

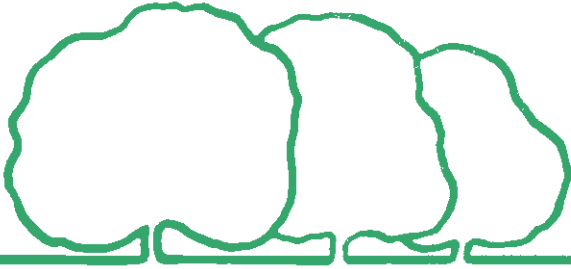
The Board and the City of Woodland are willing to pursue a cost shared feasibility study described in the Project Management Plan and intend to share in the costs of the project's construction.

Please note that this letter of intent is not an obligation of future appropriations of State funds by the State Legislature. We look forward to working with the USACE, and the City of Woodland on the LCCFS.

If you have any questions, please contact me at (916) 574-0609, or your staff may contact Michael C. Wright, Project Engineer for the Department of Water Resources' Division of Flood Management, at (916) 574-1043.

Sincerely,

Jay S. Punia
Executive Officer



City of Woodland

CITY MANAGER

300 FIRST STREET

WOODLAND, CALIFORNIA 95695

(530) 661-5800
FAX: (530) 661-5813

August 6, 2010

Mr. Benjamin F. Carter, President
Central Valley Flood Protection Board
Sacramento, California 95814-2922
3310 El Camino Avenue, LL40
Sacramento, California 95821

Subject: Letter of Intent for the Lower Cache Creek, Yolo County, Woodland Area, General Investigation Feasibility Study

Dear Mr. Carter:

With this Letter of Intent, the City of Woodland (City) is confirming its interest to participate as a non-federal sponsor with the Central Valley Flood Protection Board (CVFPB) to perform the Lower Cache Creek, Yolo County, Woodland Area, General Investigation Feasibility Study (LCCFS) with the U.S. Army Corps of Engineers (USACE). The LCCFS is presented in the LCCFS Project Management Plan dated April 2010.


The City intends to participate with the CVFPB and the USACE on the LCCFS to recommend a plan for flood risk reduction, ecosystem restoration, and recreation opportunities for the City of Woodland, Town of Yolo, and adjacent areas. An Environmental Impact Study/Environmental Impact Report will be prepared as part of this study.

The City is willing to pursue, on 50-50 basis with the CVFPB, a cost shared feasibility study described in the Project Management Plan and share in the costs of the selected project's construction.

If you have any questions, you may contact me at (530) 661-5802 or Fran Borcalli, our floodSAFE Yolo Program Manager at (916) 599-3622.

The City looks forward to working with the CVFPB and USACE on the LCCFS.

Sincerely,


Mark G. Deven
City Manager

Cc: Fran Borcalli, floodSafe Yolo Program Manager
Tim O'Halloran, General Manager, Yolo County Flood Control & Water Conservation
District
John Bencomo, Director of Planning & Public Works, Yolo County
Mark Cocke, Senior Civil Engineer, City of Woodland